

REMARKS

Claim 4 was previously cancelled. Claims 1-3 and 5-20 are pending in the application. Claims 1 and 14 are currently amended. Claims 21 and 22 are new. Applicant submits that no new matter is added by the present amendments and new claims. Support for the amendments and new claims can be found throughout the specification as originally filed. For example, support for the amendments can be found at page 22, lines 5-13.

Rejections Under 35 U.S.C. §102(e)

Applicant respectfully traverses the Examiner's rejection of claims 1-3, 5-8, 12-14, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6134532 to Lazarus (hereinafter referred to as "Lazarus"). Applicant submits hereinafter that there are various bases of distinction, and that an essential difference is that Applicant applies rules via a rule processor to two distinct data sets, i.e., "a first data set of user information" and a "second data set of said third party information relating to targeted market segments." Lazarus in fact teaches away from applying rules which "requires extensive knowledge about the targeted operating domain".

1. Rejection of Claim 1:

Amended Claim 1 now recites:

"A data mining system comprising:

one or more subscriber servers for collecting information identifying a user and providing a first data set of user information;

one or more demographic databases having third party information relating to targeted market segments and providing a second data set of said third party information relating to targeted market segments; and

a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases,

said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user."

(Emphasis added).

In contrast, Lazarus is directed towards a system for selecting advertisements in a computer environment. The system includes a database of electronic advertisements. Observed behavior of a user computer in the computer environment is converted to a “behavior vector.” The behavior vector is compared to a group of “entity vectors” indicative of the ads, and entity vectors closely associated with the observed behavior are identified. A selector accesses the database with the identified entity vector to select electronic ads to communicate to the user computer. Lazarus, however, fails to disclose or suggest a first data set of user information and a second data set of third party information relating to targeted market segments. Lazarus in no way discloses or suggests applying the first and second data sets to rules as claimed in the instant application.

Independent Claim 1 is amended herein and particularly recites “providing a second data set of said third party information relating to targeted market segments” to more clearly indicate that the “second data set” as claimed in the present application is “third party information relating to targeted market segments.”

The Examiner cites col. 18, line 53 to col. 19, line 23; and col. 20, lines 30-43 of Lazarus in rejecting Applicant’s claims. This portion of Lazarus merely states that:

“user profile vectors are the basis for...inference of user characteristics based on cross-correlation of user behavior profiles with demographic purchasing databases...advertisers can analyze the profiles vectors to retrieve user demographics...used to augment the [user] information in the profile vector database [Figure 16].”

Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest “one or more demographic databases having third party information relating to target market segments and providing a second data set of said third party information relating to targeted markets” as particularly claimed. It does not disclose using such a particular second data set in combination with a particular first data set as claimed by Applicant. Rather, the cited portion of Lazarus clearly discloses only one data set of user related information and that this data set is modified. The Examiner erroneously equates this with Applicant’s second data set. However, Applicant’s second data set is “third party information relating to targeted market

segments.” Lazarus is devoid of any teaching or suggestion of such third party information relating to targeted market segments from one or more demographic databases. There is no teaching or suggestion of third party information relating to targeted markets such as Applicant particularly discloses and claims.

The Examiner alleges that “a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases, said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user” is disclosed at col. 22, lines 45-64; col. 15, lines 59-61; col. 16, lines 39-41; and col. 17, lines 5-11 of Lazarus.

Applicant submits that the Examiner has misconstrued the cited portions of Lazarus which merely discloses that:

“[In] FIG. 18...the profile vector of the user and the behavior vector for the search query is compared to the entity vectors and ranked according to this comparison to establish a score. The profile score of the user is compared against the behavior score for the search query to determine which score is larger...[and] an advertisement is selected based upon the...score.”

Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest, “a processor ... receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases, said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user,” as particularly claimed by Applicant. Again, there is no mention whatsoever of a second data set of third party information relating to targeted market segments. There is no mention or suggestion in Lazarus of determining a score via a rule processor applying rules to a first and second data set.

Specifically, Applicant applies rules via a rule processor to two distinct data sets, i.e., “a first data set of user information” and a “second data set of said third party information relating to targeted market segments.” Lazarus in fact teaches away from applying rules which “requires extensive knowledge about the targeted operating domain” (lines 21-22 of col. 3). Indeed, Lazarus states unequivocally that its system for selecting ads “does not require any rules for operation [but is instead based on] neural network techniques” (lines 53-55 of col. 5, emphasis added).

Since each and every element of independent claim 1 is not present as in the claims, Applicant respectfully submits that claim 1 is not anticipated by Lazarus under 35 U.S.C. 102(e). Accordingly, the rejections of independent claim 1, and claims 2-3, 5-8 and 12-13 ultimately depending therefrom are improper and should be withdrawn.

2. Rejection of Claim 14

Independent claim 14 has been similarly amended and now recites “third party information relating to targeted market segments.”

The Examiner contends that “generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information,” “communicating the key to a demographic database,” and “receiving from the one or more demographic databases demographic information relating to the user-identifying indicia and providing a second data set” is disclosed at col. 16, lines 60-62, col. 19, lines 49-53, col. 18, line 53 to col. 19, line 23; and col. 20, lines 30-43.

Applicant respectfully submits that the Examiner has misconstrued the cited portions of Lazarus which merely mention a “user ID” and refer to “demographic purchasing databases” containing user demographics used to augment user information. Lazarus clearly does not disclose two distinct data sets, and applying two data sets to rules. Rather, it discloses “augmenting” or modifying a single data set and clearly teaches away from applying rules. Lazarus does not disclose or suggest demographic database(s) such as Applicant particularly discloses and claims in amended claim 14 **providing a second data set of third party information relating to targeted market segments, which along with the first data set, is applied to one or more rules**. Applicant respectfully submits that the above-quoted portion(s)

of Lazarus cited by the Examiner do not teach or suggest, for example, “generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information relating to targeted market segments,” as Applicant particularly claims. There is no mention in Lazarus of “third party information relating to targeted market segments,” as a second data set applied to rules along with a first data set such as particularly claimed in amended claim 14.

Lazarus clearly discloses only one data set of user related information and that this data set is modified. The Examiner erroneously equates this with Applicant’s second data set. Applicant’s second data set is “third party information relating to targeted market segments.” Lazarus is devoid of any teaching or suggestion of such third party information from one or more demographic databases. There is no teaching or suggestion of third party information relating to targeted markets such as Applicant particularly discloses and claims. Rather, Lazarus teaches away from applying rules. Lazarus teaches away from knowledge about targeted operation.

The examiner alleges that “applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia” and “communicating the score to the subscriber server” is disclosed at col. 22, lines 45-64.

Applicant submits that the Examiner has misconstrued the cited portions of Lazarus which merely discloses that:

“[In] FIG. 18...the profile vector of the user and the behavior vector for the search query is compared to the entity vectors and ranked according to this comparison to establish a score. The profile score of the user is compared against the behavior score for the search query to determine which score is larger...[and] an advertisement is selected based upon the...score.”

Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest, “applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia” and “communicating the score to the subscriber server,” as particularly claimed by Applicant. Again, there is no mention whatsoever of a second data set of third party information relating to targeted market segments used in

combination with a first data set. There is no mention or suggestion in Lazarus of determining a score by applying rules to a first and second data set.

Applicant applies rules via a rule processor to two distinct data sets, i.e., “a first data set of user information” and a “second data set of said third party information relating to targeted market segments.” Lazarus in fact teaches away from applying rules which “requires extensive knowledge about the targeted operating domain” (lines 21-22 of col. 3). Indeed, Lazarus states unequivocally that its system for selecting ads “does not require any rules for operation [but is instead based on] neural network techniques” (lines 53-55 of col. 5).

It is respectfully submitted that amended claim 14 is not anticipated by Lazarus. Accordingly, the rejections of independent claim 14, and claims 18 and 20 depending therefrom are improper and should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Applicant respectfully traverses the Examiner’s rejection of claims 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Lazarus.

Applicant respectfully submits that claims 17 and 19 depend ultimately from claim 14 and are therefore not anticipated by Lazarus for at least the reasons set forth hereinbefore with respect to claim 14. All of the recited claim elements are not present in the cited reference as discussed herein before. Consequently, Applicant respectfully submits that claims 17 and 19 are patentable over Lazarus under 35 U.S.C. 103(a). Accordingly, the rejection of claims 17 and 19 is improper and should be withdrawn.

Applicant respectfully traverses the Examiner’s rejection of claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Lazarus in view of U.S. Patent No. 6144988 to Kappel (hereinafter referred to as “Kappel”).

Kappel is directed towards a system for processing data for an internet web site. The web site is run by a web server that includes a server interface and a processing servlet. The processing servlet accepts registration information or other user data from a user of the web site and maps it from a native format to a universal format. The system further includes a remote

server connected to the web server by the internet. The remote server processes the universal format user data to produce final universal format user data which is then sent to the processing servlet. Finally, the processing servlet maps the final universal format user data to final native format user data and sends it to the server interface.

The cited portions of Kappel merely indicate that:

“In an alternative embodiment, the first category of registration information may contain only the address and/or the telephone number from the corresponding fields of the registration page. In either embodiment, the second category of information corresponds to unrelated information.”

However, Kappel does not disclose or suggest a first data set of user information and a second data set of third party information relating to targeted market segments. Kappel in no way discloses or suggests processing first and second data sets as claimed in the instant application. Kappel clearly does not disclose or suggest determining a score based on first and second data sets.

Applicant respectfully submits that claims 9-11 depend ultimately from claim 1 and are therefore distinguishable from Lazarus for at least the reasons set forth hereinbefore with respect to claim 1. Furthermore, the Examiner does not cite Kappel to make up for the above-described deficiencies of Lazarus, but instead cites Kappel only in regard to features in dependent claims 9-11. Accordingly, Applicant submits that claims 9-11 are distinguishable from the applied combination of Lazarus and Kappel for reasons set forth hereinbefore with respect to claim 1, and that the rejection of claims 9-11 is therefore improper and should be withdrawn.

Applicant respectfully traverses the Examiner's rejection of claims 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Lazarus in view of U.S. Patent No. 5848396 to Gerace (hereinafter referred to as “Gerace”).

Gerace is directed toward software for targeting end users based on so-called psychographic profiles formed by recording the users' computer activity. Categories of interest and display format in each category are revealed by the profile, based on user viewing of so-

called “agate information.” Using the profile, advertisements are displayed to appropriately selected users. Gerace, like Lazarus, does not disclose or suggest a second data set of third party data relating to targeted market segments. Gerace, like Lazarus, does not disclose or suggest applying rules to a first and second data set to determine a score.

The cited portions of Gerace merely indicate that:

“a subroutine...performs a regression analysis on the recorded history of users viewing the ads. The subroutine refines profiles of target users based on the regression analysis. Preferably, the regression analysis weights the relative importance of psychographic and/or demographic characteristics of users. As such, over time, the advertisements become better targeted to users...” (see col. 2, lines 43-53; see also similar description at col. 13, lines 9-20).

Applicant respectfully submits that the above-quoted portion of Gerace does not teach or suggest a second data set of third party information relating to targeted market segments nor “applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia,” as particularly claimed.

From the foregoing, it is clear that neither Lazarus nor Gerace alone or in combination disclose or suggest each and every element of claim 14. Consequently, the Examiner has not made a prima facie case of obviousness. Consequently, the rejection of claims 15-16 under 35 U.S.C. 103(a) is improper and should be withdrawn.

CONCLUSION

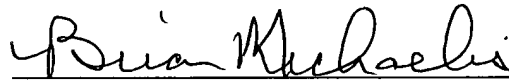
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any fee(s) that may be associated with this Response to Deposit Account No. 50-0369.

Respectfully submitted,

February 23, 2005

Dated:



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